

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>STATE OF NEW YORK, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>TOWN OF CLARKSTOWN, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>CIVIL NO. 11-CV-0293 (KMK/JCM)</p> <p>MOTION TO DISMISS THIRD-PARTY DEFENDANT PLASTIC-CRAFT PRODUCTS CORP. WITH PREJUDICE</p>
<p>ALLIED WASTE NORTH AMERICA INC., et al.</p> <p style="text-align: center;">Settling Defendants/Third-Party Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>AM COSMETICS CORP. et al.,</p> <p style="text-align: center;">Third-Party Defendants.</p>	

**MOTION TO DISMISS THIRD-PARTY DEFENDANT
PLASTIC-CRAFT PRODUCTS CORP. WITH PREJUDICE**

Third-Party Plaintiffs, by and through counsel and pursuant to Federal Rule of Civil Procedure 41(a)(2), hereby move this Court for an appropriate Order which dismisses Third-Party Defendant Plastic-Craft Products Corp. (“Plastic-Craft”) from this cause with prejudice. In support of this motion, Third-Party Plaintiffs state as follows:

1. Third-Party Plaintiffs commenced this cause of action on August 5, 2013 with the simultaneous filing of its Third-Party Complaint (Dkt. No. 18).
2. Third-Party Plaintiffs filed an Amended Third-Party Complaint on November 14, 2013 (Dkt. No. 97).
3. On January 17, 2014, Plastic-Craft filed its Answer to the First Amended Third-Party Complaint (Dkt. No. 213).

4. Third-Party Plaintiffs filed a Second Amended Third-Party Complaint on April 28, 2015 (Dkt. No. 490).

5. Third-Party Plaintiffs have entered into a confidential settlement with Plastic-Craft, which settles all claims between Third-Party Plaintiffs and Plastic-Craft for a sum certain and other valuable consideration exchanges between the parties.

6. Under the terms of the settlement agreement with Plastic-Craft, Third-Party Plaintiffs agreed to file a motion to dismiss Plastic-Craft as a third-party defendant from this cause with prejudice, each party to bear its own costs.

7. Plastic-Craft has not filed a motion for summary judgment in this case.

8. A proposed Order is attached hereto as Exhibit A.

WHEREFORE, for the foregoing reasons, Third-Party Plaintiffs respectfully request the Court enter an appropriate order dismissing Third-Party Defendant Plastic-Craft Products Corp. from this cause with prejudice, each party to bear its own costs, and for such other and further relief as is just and appropriate under the circumstances.

Dated: January 3, 2018

Respectfully submitted,

THE JUSTIS LAW FIRM LLC

/s/ Gary D. Justis

Gary D. Justis admitted *pro hac vice*

Matthew T. Merryman admitted *pro hac vice*

10955 Lowell Ave.

Suite 520

Overland Park, KS 66210-2336

Telephone: (913) 955-3712

Facsimile: (913) 955-3711

Email: gjustis@justislawfirm.com

mmerryman@justislawfirm.com

ATTORNEYS FOR THIRD-PARTY PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2018, a copy of the foregoing Motion to Dismiss Third-Party Defendant Plastic-Craft Products Corp. with Prejudice was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's Electronic Case Filing System.

/s/ Gary D. Justis
Gary D. Justis